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April 8, 2022

Via ECF

The Honorable Ann M. Donnelly
United States District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201
Courtroom 4G

**Re: *Haller v. U.S. Department of Health and Human Services, et al.*,
Case No. 21-cv-7208-AMD-AYS**

Dear Judge Donnelly:

We represent Plaintiffs in the above-referenced action. We write in response to Defendants' letter dated April 7, 2022. (Docket No. 27).

Defendants have indicated their intention to move to dismiss under Rule 12 in addition to their response to Plaintiffs' motion for a preliminary injunction. They request that the Court "excuse the pre-motion conference requirement set forth in this Court's individual practice rules." (Docket No. 27 at p.1). Plaintiffs object to this request. Rule 4.A. of Your Honor's Individual Practices and Rules requires a pre-motion conference for any motion filed pursuant to Rule 12. Plaintiffs believe that in a case of this complexity and importance, a pre-motion conference is appropriate, and this Rule should be complied with.

Defendants have also requested that, if the Court decides to hold a pre-motion conference, "the Court defer the briefing schedule with respect to the preliminary injunction motion, so as to avoid duplicative briefing on the two motions." (Docket No. 27 at p. 2). Plaintiffs object to this request as well. Given the urgent nature of the issues presented on the motion for a preliminary injunction—including violations of Plaintiffs' constitutional rights—Plaintiffs respectfully submit that the Court should consider (and grant) the motion for a preliminary injunction without unnecessary delay, and without regard to the timing of the briefing and decision on the motion to dismiss.

Defendants' letter contains a proposed revised briefing schedule. Plaintiffs are prepared to stipulate to a mutually agreed-upon schedule. Plaintiffs however believe that a longer schedule is necessary in light of the many complicated issues involved, Defendants' request for expanded page limits, and the prospect of *amici curiae* briefing. Specifically, Plaintiffs propose the following:

Defendants' Opposition to Plaintiffs' Motion for a Preliminary Injunction and Defendants' Motion to Dismiss	April 26, 2022
Briefs of <i>amici curiae</i> in Support of Defendants	April 26, 2022
Plaintiffs' Opposition to Defendants' Motion to Dismiss and Reply in Further Support of Motion for a Preliminary Injunction	May 24, 2022
Briefs of <i>amici curiae</i> in Support of Plaintiffs	May 24, 2022
Defendants' Reply in Further Support of Motion to Dismiss	May 31, 2022

Plaintiffs consent to an expanded page limit of 40 pages for each side. Plaintiffs also consent to an adjournment of the hearing currently scheduled for May 3, 2022 to a date convenient for the Court.

We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Robert Spolzino

Robert Spolzino

cc: Counsel for Defendants (by ECF)